

as a share of GDP falling to the lowest levels since the end of the Great Recession despite healthy economic growth and a tight labor market.

Revenue last year was 16.4 percent of the economy, almost two percentage points below the 50-year average of 18.3 percent in years in which unemployment fell below 5 percent.

By contrast, spending as a share of GDP last year fell right at the historical average.

Predictably, the President and our Republican friends seeks to evade blame and responsibility for the fiscal mess and exploding debt they have created.

Instead of redressing the harm caused by the Trump TaxScam, Republicans resort again to their past practice of blaming the deficit on the entitlement programs such as Social Security, Medicare, SNAP, and veterans benefits and seek to slash these programs to the barebones.

For example the President sought to cut non-defense discretionary (NDD) programs by \$1.4 trillion, including cuts to Medicare and Medicaid, reduce funding for SNAP by \$220 billion or 22 percent, and deny infrastructure funding for, cash-strapped state and local governments; and pile more hardships on struggling Americans with \$327 billion in cuts to direct spending programs that safeguard basic living standards they need to get by.

The President is obsessed with dismantling and destabilizing health care for millions of Americans by making yet another attempt to "repeal and replace" the Affordable Care Act passed under the extraordinary leadership of President Barack Obama which provided health security to more than 20 million Americans.

Madam Speaker, we now entering Act III of the immorality play we predicted the President would write.

Act I was the cutting of taxes for the rich; Act II was the inevitable exploding of the deficit we predicted would result and our Republican friends denied would ever happen.

And now we have Act III, in which Republicans claim to have newly rediscovered their horror over the deficits created by their fiscal irresponsibility and insist that the mess they created but be cleaned up by slashing investments in the programs relied upon by the 90–95 percent of Americans who were made worse off by the GOP TaxScam.

The President should be embarrassed and ashamed of his economic stewardship and thankful every day to President Obama for tackling and solving the major economic challenges facing Americans.

#### HONORING THE LIFE AND SERVICE OF OFFICER KATIE THYNE

(Mr. SCOTT of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT of Virginia. Madam Speaker, I rise today on a solemn occasion. I have the honor of representing Newport News, Virginia, and last week, the Newport News community lost Police Officer Katie Thyne, who was tragically killed in the line of duty.

Officer Thyne was only 24 years old and was the mother of a 2-year-old daughter. The Newport News community has lost someone who dedicated her life to public service.

In addition to serving with the Newport News Police Department, Officer Thyne was a Navy veteran, and she also spent time volunteering as a basketball coach at the local Boys and Girls Club.

Only 11 Newport News police officers have died in the line of duty in the last 100 years, and the last loss of an officer in the line of duty occurred over 25 years ago. Officer Thyne was the first woman.

I want to send my deepest condolences to the friends and family of Officer Thyne, as well as members of the Newport News Police Department who are dealing with this tragic loss of a colleague.

#### CONGRESSIONAL WESTERN CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2019, the gentleman from Washington (Mr. NEWHOUSE) is recognized for 60 minutes as the designee of the minority leader.

##### GENERAL LEAVE

Mr. NEWHOUSE. Madam Speaker, before I begin, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the topic of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. NEWHOUSE. Madam Speaker, I rise this afternoon to lead a Special Order alongside my colleagues from the Congressional Western Caucus to discuss important efforts to modernize one of our Nation's bedrock conservation laws that has sorely grown outdated and ineffective.

The Endangered Species Act was signed into law 47 years ago to protect and revitalize species of endangered or threatened animals and wildlife, truly, a worthy goal.

Unfortunately, the ESA has earned a recovery rate of only about 3 percent, a staggering failure to protect the very species that it was intended to aid.

□ 1745

And while it has failed to safeguard those species, the law has been used as a political spearhead for frivolous litigation that threatens private property rights, public land use decisions, local communities, and American jobs.

Fortunately, there are ongoing efforts in the people's House here and within the White House to update and modernize the Endangered Species Act to better protect species, all while treating States, property owners, and local stakeholders as partners rather than obstacles to species conservation.

The Western Caucus recently unveiled a package of 18 bills introduced by members across the rural West and beyond to strengthen the ESA. These bills reflect our intention to bring this

arcane law into the 21st century, aiming to create a more comprehensive and streamlined approach to support species recovery while ensuring our communities are not burdened by overregulation and misleading data.

This package includes my legislation, the Weigh Habitats Offsetting Locational Effects Act, to ensure all conservation measures are considered when Federal decisions that impact ESA-listed species are being made.

By establishing a process that considers the totality of conservation efforts, we can incentivize private investment in species recovery, streamline Federal decisionmaking, and promote the comprehensive efforts of States, local communities, and Tribes.

We should not tie our hands when it comes to species recovery. Using the best available science, considering all ongoing conservation measures, streamlining the process for listing decisions, and empowering State and local efforts creates a comprehensive approach to advance species recovery and fulfills the true intent of the Endangered Species Act.

Madam Speaker, with this package of bills, you will hear more from many of my colleagues in the Western Caucus. We are taking a very important step toward truly strengthening the ESA.

The Trump administration has also unveiled improvements to the implementation of ESA regulations developed to increase transparency and effectiveness of the law.

Secretary of the Interior David Bernhardt has rightly focused on updating the administration of ESA to target the areas where resources will do the most good, which, of course, are the direct, on-the-ground conservation measures.

Much like legislation in the Western Caucus package that I and my colleagues have championed, the updates direct listing decisions to be based solely on the best science available as well as commercial information. Only when sound science, not politics, determine conservation measures can we truly begin to turn the tide to achieve successes under the ESA.

The revisions also establish greater certainty for timely decisionmaking by Federal agencies and applicants, therefore providing streamlined actions and coordination for conservation efforts.

With partners like President Trump, Interior Secretary Bernhardt, and the U.S. Fish and Wildlife Director, Aurelia Skipwith, I believe we truly can reverse the abysmal track record currently set under the Endangered Species Act.

Unfortunately, we are seeing efforts right here in the people's House to completely undermine and halt these important steps being taken by the administration. Our conversation this afternoon is quite timely, I believe, because tomorrow the lead Democrat in the House Natural Resources Committee is marking up legislation to thwart the administration's rule to

bring more transparency and modernization into the ESA.

Why anyone would be proud of the status quo in which only 3 percent of the species that have been listed under this law have recovered truly does baffle me. That 3 percent is quite the meager report card, so it is disappointing to see so many of my colleagues on the other side of the aisle advocate for the status quo. I would hope they join me and my colleagues who are working to strengthen this law in order to provide real results, not simply evoking political talking points aimed at appeasing litigious environmental groups.

Madam Speaker, like far too many regulations that come from our Nation's Capitol, relying on top-down decisions from bureaucrats only serves to limit economic prosperity. These decisions have not only negatively impacted local communities, they have done close to nothing to recover and protect threatened animals and wildlife.

I am looking forward to partnering with many of my colleagues from the Western Caucus this afternoon to describe our efforts here in the people's House to finally modernize the Endangered Species Act, something that is far overdue for our wildlife, for our environment, and for all of our communities.

Madam Speaker, I yield to the gentleman from Montana (Mr. GIANFORTE), my colleague and good friend, who is a true leader for conservation.

Mr. GIANFORTE. Madam Speaker, I thank my friend from Washington for yielding. He has been a leader in our efforts to reform the Endangered Species Act and to return management of wolves back to the States.

I also thank the chairman of the Western Caucus, the gentleman from Arizona (Mr. GOSAR). Congressman GOSAR has been instrumental in putting together this package of 17 bills to modernize the Endangered Species Act.

I wish we were here tonight to celebrate the successful recovery of the grizzly bear in the greater Yellowstone ecosystem and elsewhere. The great news is the grizzly has recovered. Unfortunately, constant litigation has prevented the U.S. Fish and Wildlife Service from delisting the bear and returning management to the States.

I brought Secretary Bernhardt of the Department of the Interior to meet with families, ranchers, and local leaders in Choteau, Montana, just last fall. Parents told us how they put bars on their windows because the grizzly bears were looking in their children's bedrooms. One mom told me of a grizzly bear that chased her into her home when the bear heard the sound of her child crying.

At the point bears view children as a food source, we need to make changes. We have to put human safety ahead of the recovered grizzly bear.

Misuse and abuse of the Endangered Species Act are also shutting down responsible forest management. Every

forest service project in Montana seemingly ends up in court. The result: We are unable to manage our forests, improve wildlife habitat, and reduce the severity of wildfires.

We must put commonsense guardrails on the Endangered Species Act. We must restore it to its original purpose of recovering species, not serving as a tool for frivolous lawsuits from extreme special interest groups that work to shut down critical projects in our State.

To address these abuses of the ESA, I introduced the Less Imprecision in Species Treatment Act, or the LIST Act. The LIST Act helps modernize the ESA. The LIST Act empowers the Fish and Wildlife Service to promptly act on sound, established science to delist species that have recovered—and that should be our goal.

The bill allows the Fish and Wildlife Service to reverse listings that were made due to bad data, and the bill prohibits abuses of the listing process. It will ban those who intentionally submit false information from submitting listing petitions for 10 years.

These are commonsense reforms. I am proud to sponsor the LIST Act and support the rest of the package to better protect species, increase collaboration, and improve forest health.

These pieces of legislation focus efforts on recovering species native to the U.S. They ensure that data used to make listing decisions is publicly available on the internet, and they promote voluntary wildlife conservation agreements and candidate conservation agreements with assurances.

We can and must modernize the Endangered Species Act to work better, and the Western Caucus has offered a path forward.

Madam Speaker, I want to thank the gentleman from Washington State for his leadership on this.

Mr. NEWHOUSE. Madam Speaker, I thank Mr. GIANFORTE; his legislation, the LIST Act, is exactly the kind of update we need. It is a straightforward, science-based tool that equips Fish and Wildlife with exactly the kind of ability to make decisions based on facts regarding listing decisions. I thank the gentleman for his leadership. He is a great spokesman for the State of Montana, and I appreciate his help here this evening.

Madam Speaker, I yield to the gentleman from Missouri (Mr. SMITH), my good friend.

Mr. SMITH of Missouri. Madam Speaker, I thank Mr. NEWHOUSE for yielding and for organizing this Special Order. I thank him for presenting to this body this piece of legislation with all the reforms of the Endangered Species Act. It is something that is extremely important.

Coming from the State of Missouri, we have folks who come from all over the country to hike our trails and to float our rivers. We are also home to the first Ozark National Scenic Riverway designated by a national

State park in southern Missouri. So we have many people who come to southeast and south central Missouri to look at our nature, to see the native plants and the native species, which several of them are designated within the Endangered Species Act.

Mr. NEWHOUSE made a comment earlier about only 3 percent of the species come out of the Endangered Species Act, that they come back. By any other measure, that would be a complete failure, and that is why we need these reforms. That is why we need these revisions.

Nowhere is the pain of the Endangered Species Act regulations, no greater place are those burdens felt than in local communities, and that is why we have the legislation, the EMPOWERS Act. And it mandates—not mandates the communities, it mandates the Federal Government to make sure that they get local input from communities in any kind of designation for an Endangered Species Act.

It is common sense. It is an easy approach. It is something that I think we can all get behind since they know their area better.

When you talk about the Endangered Species Act, this is something that is very personal to me, and it is personal to the people that I represent in southern Missouri.

Just a few years ago, we had a young lady, 13 or 14 years old, who was floating with her family on the White River, and a very unfortunate event happened where she got caught up underneath a broken dam and she lost her life. That family outing turned into a day that they will never forget, a day that I won't forget.

The big issue here is that dam shouldn't have been there, or it should have been rebuilt or replaced. You see, the dam was broken in a flood several years earlier but was never replaced and couldn't be torn out, even with the local community wanting to tear out the dam, the reason being because of an endangered species, one called the Ozark hellbender. It is a salamander. It was found in the White River near the dam, so that could be a resting place for this endangered species.

Because of that, a young lady will never graduate high school. She will never go to college. She will never walk down the aisle.

That is unacceptable. We are fortunate now that dam no longer exists, but it shouldn't have taken the loss of a life for Federal bureaucrats to get their act together to get that dam removed.

So this is one example that is extremely personal to the people I represent and it is extremely personal to me why we need these reforms in the Endangered Species Act.

□ 1800

Government should not stand in the way of safety. An endangered species should not have more importance than a human life.

I am looking forward to these reforms. These reforms bring sanity back to the Endangered Species Act through commonsense reforms, Missouri commonsense reforms, reforms such as transparency of the rulemaking process.

It helps put a stop to nuisance lawsuits from extreme environmental groups, using the best science available and, critically, bringing local communities into the decision-making process through my bill, the EMPOWERS Act.

We all agree commonsense review is needed, but what we don't need is redundant and unnecessary paperwork that only serves to keep Washington bureaucrats employed.

Madam Speaker, I thank Mr. NEWHOUSE for having me here tonight. He is doing the Lord's work, and I appreciate the honor of being here with him.

Mr. NEWHOUSE. Madam Speaker, I thank Mr. SMITH, and I appreciate him for sharing some really personal impacts of a law that—can anyone think of another law that has been in place for 47 years without any kind of improvements or changes? It doesn't happen very often.

When we see impacts like that, that impact people's lives—they truly do—not only species that we are trying to protect but the people who are trying to live in concert with those species, it is something that really speaks, I think, to a lot of us. So I thank the gentleman very much for his bill.

The EMPOWER Act, I think, will give a lot of much-needed change and improvement to this process so that States and local communities can have a say. We should have more positive results from the ESA and move forward from that abysmal 3 percent success rate that we should not be proud of.

Madam Speaker, I yield to the gentleman from Colorado (Mr. TIPTON), my good friend.

Mr. TIPTON. Madam Speaker, I thank my colleague from Washington for yielding.

Madam Speaker, I rise today to be able to highlight the importance of modernizing the Endangered Species Act.

The U.S. Fish and Wildlife Service states that it implements the Endangered Species Act by working with others to conserve the ecosystems upon which the Endangered Species Act and threatened species depend upon and by developing and maintaining conservation programs for these species to improve their status to the point that the protection of the ESA is no longer necessary.

I wholeheartedly agree with that mission, and we should do everything possible to be able to grant the Fish and Wildlife Service the ability to be able to better protect at-risk or endangered species. I believe this can be done by utilizing local and State officials in a greater capacity.

Much of that legwork doesn't have to be done at the Federal level and can in-

stead be taken over by landowners who are out on the ground every day, working their land for farming, ranching, and for other purposes. They know the challenges that the threatened and endangered species face. They are in a unique position to be able to provide input on the best conservation strategies.

That is why, with this concept in mind, I have introduced the LOCAL Act, to be able to incorporate that hands-on local experience, to make sure that we are achieving what the ultimate goal is: to actually rehabilitate the species, to be able to take it off the endangered species list, and to be able to protect others from being added.

In the past 46 years of the law's existence, there is one glaring statistic that points to reforms being necessary. Since the ESA was first signed into law, there have been over 1,660 species listed. Of those, only 54 species have fully recovered, or an underwhelming 3 percent.

These numbers speak volumes that a one-size-fits-all mentality does not always result in the way that it is intended to. Not only that, but the red tape, timeframe, and expense to be able to recover a species is astronomical.

It is important to note that the goal of the ESA is to be able to keep species off the list in the first place, not keep them on for undetermined lengths of time.

Madam Speaker, I am glad to join my colleagues in the Congressional Western Caucus to be able to highlight the necessity of ESA reform.

In Colorado, we are proud to be able to have an abundance of wildlife, wildlife that resides on our public lands and, in many cases, in our own backyards. As residents of the State, we self-promote taking extra caution in our lands so that they may be preserved for future generations to enjoy.

After almost 50 years of lackluster results of recovering endangered species, I believe it is time that we rethink our strategy and place more trust in the local stewards of the land, not just bureaucrats in Washington.

If the goal is truly to recover species and to be able to protect species, let's make sure that we have programs in place that are going to achieve those results that we can all embrace.

Mr. NEWHOUSE. Madam Speaker, I thank Mr. TIPTON for his comments. I have to say that he just hit the nail right on the head.

The ESA should encourage and incentivize voluntary conservation efforts. Species recovery, habitat recovery agreements, along with private property conservation grants and habitat conservation loan programs for State and local governments, will save money and resources while boosting conservation.

The more we can do this locally, the more we can direct these measures, the more impact they will have on accomplishing what we want from this conserving of species.

Madam Speaker, I thank the gentleman for this commonsense approach, this collaborative approach that he has taken, and for showing leadership on all of these crucial issues that are important to us in the West and all over the country, to the whole Nation.

Madam Speaker, I yield to the gentleman from Arizona (Mr. GOSAR), the leader of the Congressional Western Caucus, someone who has shown a true sense of commitment to make the ESA something that it should be, something that is successful that we can all be proud of.

Mr. GOSAR. Madam Speaker, I thank the gentleman from Washington (Mr. NEWHOUSE), my friend, for yielding.

I would like to first look at the Special Order and give a big "thank you" to Mr. NEWHOUSE for his passion for solving these issues affecting the Western States.

Madam Speaker, I have been honored to be the chairman of the Congressional Western Caucus for the past 3 years. In that time, the caucus has been the leading voice in the charge to modernize the decades-old Endangered Species Act.

It is clear that the ESA simply isn't working the way it should. Statistics show that only 3 percent of species listed under the act have been delisted.

Madam Speaker, if only 3 percent of the patients admitted to a hospital walked out healthy, that hospital would be shut down immediately. This rate of ineptitude is not sustainable.

Back in September, I was proud to organize and chair a forum of Members of Congress and more than 30 stakeholders from across the country to hear firsthand testimonials about how the ESA is broken and to hear suggestions for modifications and reform to make it work better. These testimonies hit home, exposing the fact that the Endangered Species Act is in disrepair and in desperate need of reform.

There have been several very positive developments in modernizing ESA in the last year alone. The administration, with the full support of the Congressional Western Caucus, proposed three new rules for the ESA.

This new rulemaking is the first substantial amending of the act since the 1980s. These new rules make the ESA more transparent and efficient, and they act more in line with Congress' intent.

In addition, I am excited about the Congressional Western Caucus' Endangered Species Act reform package for the 116th Congress, which currently comprises 17 separate pieces of legislation. This package includes six bills that were included in a similar package in the 115th Congress and three other bills from Western Caucus members offered in the 115th Congress. It seeks to codify the three regulations recently finalized by the Trump administration. It also includes six new bills. These bills protect private property rights, encourage voluntary conservation, improve forest health in order to

preserve and protect species and local communities, increase multiple-use activities, and protect critical infrastructure.

The sponsoring Members of these bills come from nearly every geographic corner of the United States. These Members are taking constituent-driven initiatives and working to make them law.

The need for a package like this is obvious. For example, forests are burning across the West on a yearly basis, in part because of ludicrous ESA restrictions.

Similarly, I am sure everyone in this Chamber is familiar with some of my Democratic colleagues' sentiments that if we do not pass the Green New Deal, the world will end in 12 years. What they do not talk about is that there is no way that their already unrealistic renewable energy goals can be met without large-scale buildup of new power lines and other energy transmission infrastructure. Under current environmental regulations, including the ESA, building pieces of that very infrastructure could take at least 12 years, so I guess we are all doomed anyway.

As I mentioned earlier, great steps have been taken by the Trump administration to bring the ESA into the 21st century. My Democratic colleagues, however, Madam Speaker, cannot help themselves and are preparing to fight these commonsense proposals instead of helping and getting onboard.

Tomorrow, the Natural Resources Committee will mark the bill that will undo these landmark reforms to the ESA. This is, once again, a purely political act by this House, and it has no chance of going anywhere.

Instead, I call on my Democratic colleagues to work with us to build on the new regulations from the Trump administration to get the ESA working again and better protect species.

Once again, Madam Speaker, I thank my colleague, Mr. NEWHOUSE, for allowing me to speak during this important Special Order today and for his leadership in highlighting the need to reform the Endangered Species Act.

Mr. NEWHOUSE. Madam Speaker, I thank Mr. GOSAR for being here tonight. He truly has been a leader in this effort to modernize the ESA. I thank him for his commitment to that.

Legislation like he is proposing is going to be a huge step in improving the situation that we have in this country. So, I thank the gentleman for being here, again, very much.

If I could just say, I think it will improve the predictability for endangered species listings and critical habitat designations, but it will also level the playing field by applying the same standards for listing as we do for delisting a species.

If a species is recovered, we should celebrate that. It should be a happy day, something that is a good thing. That is our goal. Then we can remove it from the endangered list so that re-

sources can then be directed toward species that still need to be protected and brought back. It just makes sense.

I think the best example that comes to mind is the gray wolf. We should be celebrating that. They are back, and they are back strong. The science is clear about that. They are recovered, and it should be removed from the list so that we can better come to the aid of other endangered species.

Madam Speaker, I thank the gentleman very much for being here tonight.

Mr. GOSAR. Madam Speaker, I thank the gentleman for hosting this Special Order.

Mr. NEWHOUSE. Madam Speaker, I yield to the gentleman from California (Mr. LAMALFA), my good friend and fellow farmer.

Mr. LAMALFA. Madam Speaker, I thank Mr. NEWHOUSE for his leadership on this and for providing this time for us here this evening to be able to talk about this issue in a very real and constructive way.

The ESA passed in 1973, I think with a pretty strong bipartisan effort, signed by President Nixon. It was very well intentioned at the time, as were some of the other protection measures that were put in place for air and water.

As we saw the other day here with the changing of the WOTUS rule, the waters of the United States rule, over time, regulations can get out of control. They can be used for politics. They can be used for controlling people, for NIMBYism, and for no-growth and all that. I think that is really what these have expanded into.

Our job is to provide oversight. Our job is to provide course corrections, to make sure the ship is on the course it was intended 40-plus years ago.

The package of reforms that are being talked about by my colleagues and the bills that are being offered aren't here to gut the Endangered Species Act or to eliminate species. It is to bring back that course correction that we are looking for.

Though it was signed 40 years ago, it is our job to constantly monitor it and make sure it is working.

We talked earlier about that 3 percent of species that were listed that have recovered. Now, 3 percent doesn't give you a very good batting average, I think, in any league, so that would be considered a failure.

It is not because of a lack of effort or lack of spending. Certainly, in my own State of California, where species have been listed, we have issues with fish, with delta smelt, with salmon, and yet trillions of gallons of water are expended flushing the delta each year to find a lower result. Only two smelt have been caught in their check traps in the last five quarters, I think. That doesn't show success, but it shows a lot of damage to the people who need that water for other purposes as well.

□ 1815

So, let's find and focus on things that are going to be helpful to the species to

be recovered and doesn't have to damage people and their livelihoods along the way.

Reform is necessary to refocus the efforts of the Federal Government to help them recover more timely. One of the longtime listed in California, the valley elderberry longhorn beetle, was listed for approximately 40 years. And, yet, in 2012, the Fish and Wildlife Service was saying: Okay, we think it is time to pull that from the list. Let's do the work involved to remove it from the list because they had seen some success in that time period.

An important part that we don't talk about enough is what is known as critical habitat. Critical habitat is any host plant or other vehicle for a possible endangered species that might take residence there.

So the bush itself, the elderberry bush, any one of those, basically cannot be touched because it might be a potential habitat for a traveling elderberry beetle, although maybe none of them have ever been tracked in that particular area. Yet, every single bush—it is a battle. It is a fight.

Now, why are we fighting over the bushes? It is because many of these grow in floodplain areas, on levees that need to be maintained, rebuilt, and upgraded. We have a lot of potential for flooding in northern California.

Indeed, it wasn't so much potential as several times we have had bad floods result. And I would mention in the Yuba City-Marysville area, two very big floods in 1986 and 1997 that happened from crumbling levees.

Why don't they maintain the levees?

Because they can't. It is getting the permits and getting through the process and then being able to afford it by the time you have done that with all the requirements that are put on to maintain this habitat.

To maintain these elderberry bushes, in this case, makes it cost prohibitive for these local levee districts to be able to do their job.

So, what happens?

Nothing happens.

And so, in 1986 there was a giant flood, hundreds, thousands of homes in 1986. In 1997, it happened again. If the lesson wasn't learned, 11 years later in 1997, it happened again in the Yuba City-Marysville area. And at this point, three lives were lost in addition to all of that other damage. Three lives were lost needlessly because we couldn't learn the lessons and get the permits done to get the levee work done.

Why does that have to be?

Because of roadblocks, because of endless lawsuits and slow-moving bureaucracies that won't issue the permits and help with the funding that needs to get done.

So, finally, after all that was litigated, the government had to pay approximately \$400 million in damages for the losses of life and property in these floods.

It is pretty disgusting. But still, every single bush is litigated as a potential for critical habitat, even

though there may not ever be one of the species you are talking about, in this case the valley elderberry longhorn beetle, that might potentially use it.

So what happened with the delisting in 2012?

Well, they finally gave up because of litigation and about how they do the sampling of the beetle; how they do the sampling of the habitat of the beetle.

They said, Well, we can't tell if it is the valley elderberry longhorn beetle or the California elderberry longhorn beetle that might be making these boreholes in the plants and in the ground there.

So they just gave up and said, We are not going to delist it anymore.

That is similar to the situation my colleagues were talking about with the gray wolf. You can find plenty of gray wolves all over the upper Midwest and those other States. Yet, the standard seems to be in the Endangered Species Act, you have to find two or four remaining pairs in every single county, otherwise it is still listed as endangered in California or anywhere else.

The rules have gone too far. We need caps on the attorney's fees that make it not such an incentive for environmental groups to use this as a way to get paid as well as the way to stop progress, stop things that people need.

So I hope this package of bills at least can be a light and example of a direction we are trying to take back to reasonableness and how the Endangered Species Act is interpreted and used; not abused, not used as a weapon, weaponized against what we need for flood control to save peoples' lives or water storage.

If we are going to play the climate-change game, then we need to be able to have more of these tools available to us to store water.

It would certainly help if we had more input from our local stakeholders on this who actually know how to get a project done.

Finally, the Marysville-Yuba City area I was talking about, using local districts and local efforts, they did some amazing work after a lot of roadblocks were overcome.

So finally, the last bit—which is up to the Army Corps of Engineers—is going to be completed in that area of rebuilding the levees and putting the slurry wall in that is going to make them much less likely to erode and blow out. In 2020, the last piece is going to be done, if the Army Corps stays on their own unique schedule.

This is many years after those two floods. So I commend the great work that has been done up to this point, but how many needless years of risk in these flood zones have to happen because we can't get out of our own way because of a permit or because of somebody's interpretation of a critical habitat for a creature that doesn't even show up to these critical habitat areas?

I am tired of fighting the fight against people who don't seem to care

how it affects the people who they govern.

And so this is, I hope, a true effort that everybody can see to reform this act into something that actually works for people, works for the species, and gets a little better batting average than 3 percent recovery rate, which is pathetic, especially for the trillions of gallons of water we lose to the delta each year, the risk we have for people in flood zones, the high cost, the loss of potential, and the anguish that all of that brings.

Madam Speaker, I am glad we had this time to be able to share this with the public that is watching and our colleagues who are hopefully listening that we can reform the act and still have it pursue the goals of making the endangered species, that we talk about and care about, come off those lists because they are thriving once again.

We have seen some successful examples. The bald eagles, which I can see outside the window of my home in my rice field there, that is pretty tremendous. But we have got to get our batting average up, especially when you look at what it is costing society in lost potential and, unfortunately, sometimes in lost lives.

Madam Speaker, I appreciate Mr. NEWHOUSE yielding me the time, and I appreciate his efforts on this.

Mr. NEWHOUSE. Madam Speaker, I thank Mr. LAMALFA and have to say that he has been a true leader in the Congressional Western Caucus and in the House of Representatives. It is awesome to be able to have someone contribute as much as the gentleman does that has the experience and the knowledge of how these laws impact real people.

Madam Speaker, it is my pleasure to yield to the gentleman from Texas (Mr. OLSON), my friend who actually serves on the important, powerful Committee on Energy and Commerce.

Mr. OLSON. Madam Speaker, I want to thank my friend, Mr. NEWHOUSE, for yielding. He is from my birth State of Washington, Fort Lewis, the old Madigan Army Medical Center in 1962. That was a long, long time ago.

I thank the gentleman for coming to see the Petra Nova project in my district, the only viable carbon capture project in the whole world.

I thank the gentleman on behalf of the Congressional Western Caucus for taking the time to see real solutions to real problems.

My bride is a girl from Los Angeles, California—Hollywood. This is a big time back home for my Nancy: the Screen Actors Guild, the SAG Awards, which happened last weekend, and before that, the Golden Globes. The granddaddy of them all, the Oscars, is coming up this weekend.

If the success of the ESA was a movie, it would get a 0.0 Rotten Tomatoes score.

It would be a horror story that surpasses Hannibal Lecter, Freddy Krueger, and Jason. It would be a story

of how misused ESA is a threat to our national security, global freedom, and guarantees more greenhouse gases plaguing our world.

This story will be set in west Texas and southeast New Mexico. It stars an unremarkable creature named the dunes sagebrush lizard with best supporting actor played by a radical, antigrowth environmental activist.

The lizard lives on top of the Permian Basin, the most powerful force America has had for peace and clean air in the past two decades. That happened because of reemergence of American oil and gas as the number one producer in the entire world. That is because of the hydraulic fracturing revolution that has swept our Nation and the world.

The Permian Basin is leading the hydraulic fracturing revolution. Experts expect it to produce, by itself, 8 million barrels of oil per day in the next 4 years. That is up from its high, a mere 2 million barrels per day just 10 years ago.

That means, one, American shale play will be a bigger producer of oil and gas than every country in the world. That means bigger than Saudi Arabia, bigger than Russia, bigger than OPEC.

Two countries that emit the most greenhouse gases, they are China and India. Their only natural power source is coal. Right now, as I speak, megatons of American liquefied natural gas coming from the Permian Basin, the Bakken shale play in South Dakota, and Marcellus shale play here out East are going to China and India. Their air will be cleaner because of American energy.

It is a win-win for the jobs here in America, exporting technology to our friends for cleaner air and cleaner air in the global context.

You would think the environmental groups would love this, but, sadly, you would be wrong. For 10 years, people who have never been to the Permian Basin and can't spell Odessa if I spot them O-D-E-S-S, are pushing actively to have the dunes sagebrush lizard listed as an endangered species.

In 2012, they pushed President Barack Obama hard to have that listing. President Obama said, No, it is unnecessary. The locals are taking care of the issue by themselves. President Obama was right. The species is still with us today. But that hasn't stopped these liberals from using the Endangered Species Act to support OPEC and Russian energy.

They filed another lawsuit this past summer that is going through the courts. They know by doing that, they hinder growth because people are afraid to invest in the place that may have a pop-up endangered species that is not actually endangered.

These groups follow someone from Hollywood who is not a real person. His name is Forrest Gump. His motto is: "Stupid is as stupid does."

Enough of the stupidity. The ESA must focus on species, not political

dreams: My bill, the Listing Reform Act, H.R. 5585, addresses this exact problem.

I close by saying something we all know: “Ye shall know the truth, and the truth shall set you free.”

Mr. NEWHOUSE. Madam Speaker, I thank the gentleman for his comments. I did have the privilege of visiting the gentleman's district and seeing firsthand the Parish Generating Station, a state-of-the-art carbon capture and sequestration facility. It was amazing and truly helped me understand the potential of the technology that we now have at our disposal.

It is that kind of thing that will allow our Nation to truly lead in the American energy renaissance.

□ 1830

Unfortunately, all too often, some of the complications from the bureaucracy get in the way, and things like the ESA can prevent us from reaching our full potential.

I thank the gentleman for his leadership and ensuring that the economic effects are something too that we need to take into account. I appreciate the gentleman's contributions here this evening.

Madam Speaker, I yield to the gentleman from the Fifth Congressional District of the great State of Arizona (Mr. BIGGS).

Mr. BIGGS. Madam Speaker, I thank my friend from Washington (Mr. NEWHOUSE). I appreciate his leadership and work on these very important issues.

I am grateful to have a few minutes to speak and to address some of these issues that confront us as a nation and confront us in the Western part of this country, particularly in Arizona.

Land management and species management are critically important issues everywhere in this country, especially so in the West. Nationwide, the Federal Government owns one out of every three acres. But when you go to the West, Madam Speaker, it is one out of every two acres. In fact, in my State of Arizona, only about 20 percent of the total land area is in private hands. Federal holdings actually exceed the size of the State of Virginia.

Of course, Federal control over land means that bureaucrats in Washington, D.C., rather than knowledgeable State and local officials get to set the rules, and that certainly is the case when it comes to the Endangered Species Act.

ESA listings, in theory, are meant to give short-term support for species recovery. They are not supposed to turn into permanent classifications. However, as we have been hearing a litany of stories in this Special Order tonight—and as everyone who participates in this country knows—the reality is far different. In fact, less than 2 percent of species have been removed from the ESA list.

Another significant problem is that current Fish and Wildlife Service policies make it far easier to list a new

species than to examine the current list for potential removal.

Excessive ESA listings place enormously costly requirements on private landowners and even State and local government agencies.

For this reason, I introduced the LIST Act in the last Congress to greatly speed up the rate in which recovered species may be taken off the ESA list once the Secretary of the Interior receives objective data that the species in question has recovered. I am pleased to see that my good friend from Montana, Representative GREG GIANFORTE, is championing the LIST Act this year. It is a great piece of legislation.

Meanwhile, I am aiming to reform the ESA from an entirely different perspective with a new bill I introduced last week that I am calling the American Sovereignty and Species Protection Act.

I would bet that most Americans would be surprised to learn that the ESA currently allows the U.S. Government to buy foreign land—that is right, non-U.S. land, land in foreign nations—to protect endangered species in other countries. While this may be a well-intentioned policy, it is tragically naive. Remember that just because a Department of the Interior official purchases foreign land with the hope that it will be used to protect an endangered species, it does not mean that a foreign government will see things in the same way. Because the U.S. does not have sovereignty over the internal affairs of other nations, and exerts especially little influence over the developing nations in which so many endangered species live, I would much rather see taxpayer dollars used to advance domestic priorities.

The American Sovereignty and Species Protection Act, the LIST Act, and all the other ESA modernization efforts we have been talking about today in this packet of bills will help us to scale back bureaucratic overreach and still ensure that critically endangered species are protected. Both aims are achievable.

As the Western Caucus' chief regulatory officer, I will work with great leaders like those who have spoken and like our host today, DAN NEWHOUSE from Washington, to ensure that our goals are met.

Madam Speaker, I thank Mr. NEWHOUSE for his leadership and for yielding.

Mr. NEWHOUSE. Madam Speaker, I appreciate the gentleman helping us here this evening as we get down to the final few minutes of our hour.

While the thought behind foreign land acquisition in the ESA may have been well-intentioned, we need accountability, and we need to be able to determine whether results are being achieved.

The point the gentleman made about investing in our efforts domestically makes a lot of sense where we can focus on a results-driven approach using science and not emotion. So I

thank my friend very much for that thought.

In trying to accommodate schedules, if I may, I yield to the gentleman from South Carolina (Mr. NORMAN) for a few thoughts that he has on this. He is a member of the Western Caucus. We are happy to adopt South Carolina as a Western State.

Mr. NORMAN. Madam Speaker, I thank my friend for his leadership on this issue and for what he has done over a long period of time to help this all-important issue.

Let me just echo what has already been said. I am a real estate developer. I have felt the effects of the bureaucratic overreach of the Endangered Species Act. I have seen where a heelsplitter snail can slow up projects for as many as 4 to 5 years.

I have been watching from a distance, and now, finally, we have decided to take action. I rise in support of the long-overdue efforts to modernize the Endangered Species Act and specifically my bill that would help continue protections for species while, more importantly, protecting the rights of individual property owners. My bill, the Property Rights Protection Act, would do just that.

Everyone agrees that it is important to protect these species that are threatened or endangered, but far too often, it comes at the expense of the constitutional rights of landowners.

This vital piece of legislation would ensure that we achieve both goals. We protect species, but we also protect our rights as property owners.

If the Federal Government deems land to be critical habitat because a species is endangered, then they ought to compensate the landowners, plain and simple. I believe that there needs to be a more equitable way to treat property owners who far too often find themselves in this type of situation. This legislation will be an excellent step in that direction.

Many landowners cannot afford the litigation costs that so many of these groups put before the landowners to get the rights that they deserve.

I really hope that all of my colleagues can come together to support this important piece of legislation to protect our rights and species and, more importantly, come together to update an antiquated law that is the Endangered Species Act that has been in need of modernization for far too long.

Mr. NEWHOUSE. Madam Speaker, I appreciate Mr. NORMAN's thoughts. We should be doing everything in our power to incentivize landowners to be active participants in conservation efforts for threatened and endangered species.

Without oversight over whether current restrictions set by the Federal Government would actually help these species, and with very little recourse available for the property owner, this legislation takes a very important step forward to ensure there is a collaborative approach.



Madam Speaker, I yield to the good gentleman from the First Congressional District of the great State of Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Speaker, I appreciate my friend from Washington, who is a great Member of Congress and who knows exactly some of the damage that the Endangered Species Act has done. We certainly have experienced that in Texas.

We did, in the House, modernize the Endangered Species Act in my first term, 2005 and 2006, and it was quite an education to me because I thought the Endangered Species Act was all about trying to save endangered species. But I got an education. I found out that was not what the Endangered Species Act was about because if it was just about saving endangered species, we would have saved a lot more than 1, 2, and 3 percent of the endangered species.

One of the things that we did in that bill that I thought was common sense because I know there are landowners—I hear about these situations—and that is what they rely on to feed their families. There is a doctrine that is not an official doctrine known as shoot, shovel, and shut up. Somebody sees an endangered species, and they are scared if somebody sees it, then the use of their land will be taken away, and they will no longer be able to provide for their family.

Even though I believe that it is a taking anticipated under the Bill of Rights, which requires remuneration, that is not what the courts have found. But in that modernized bill back in my first term, we said: Look, if you are going to tell a landowner he can't use his land, or she can't use her land, then you ought to pay them because you have taken away the use.

I was shocked to find that there were people on the other side of the aisle who said: No, no, no. We don't want that in there.

But that will save species; people will be more willing to volunteer that they found an endangered species.

The answer was: Well, they shouldn't even have that land anyway.

I appreciate the efforts of the gentleman from Washington. Hopefully, we can work together because we do indeed care about endangered species, and modernization will allow us to save a whole lot more than 1, 2, or 3 percent.

Mr. NEWHOUSE. Madam Speaker, I thank Mr. GOHMERT. The gentleman knows full well from his time serving on the House Natural Resources Committee just how ineffective the current ESA is performing. I thank the gentleman for his leadership and for spearheading the SAVES Act, as he described, to enhance our conservation measures for endangered species.

Madam Speaker, you just heard from a variety of members from the Congressional Western Caucus who represent not only rural districts in the West but also communities across the Nation, from Montana to Missouri,

from South Carolina to California. Their message was clear: We must modernize the ESA. Doing so will be good for the species. It will be good for communities. It will be good for taxpayers. And it will be good for our economy.

A few Members were unable to join us tonight. I want to list some of the bills that they are sponsoring: Congresswoman CHENEY's Increasing Access and Multiple Use Act, Congressman WESTERMAN's PETITION Act, Congressman MIKE JOHNSON's Critical Habitat Improvement Act, Congressman YOUNG's LAMP Act, Congressman STEWART's Critical Infrastructure Act, Congressman CALVERT's FISH Act, Congressman MCCLINTOCK's Endangered Species Transparency and Reasonableness Act, and Congressman BUCK's Threatened Species Protection Improvement Act.

All of these bills are critical for a comprehensive update to ensure the ESA accomplishes what it was designed to do: recover threatened and endangered animals and wildlife.

This package is supported by dozens of organizations, including the National Rural Electric Cooperative Association, the U.S. Chamber of Commerce, the National Association of Counties, the Family Farm Alliance, the National Endangered Species Act Reform Coalition, the American General Contractors Association, the Independent Petroleum Association of America, the National Association of Home Builders, the Western Energy Alliance, the United Snowmobile Association, the National Mining Association, American Agri-Women, and the National Cotton Council, amongst many, many, many others.

As we continue to push for reforms to the ESA in the people's House and work with the administration and the White House to support the Department of the Interior's updated implementation regulations, I hope that my colleagues will join us in recognizing that we can do so much better to recover our Nation's magnificent flora and fauna.

The Western Caucus will remain at the forefront of this effort. A 3 percent success rate is failing our wildlife across this beautiful country. We must do better.

Madam Speaker, I yield back the balance of my time.

#### WHY IMPOUNDMENT CONTROL ACT MATTERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2019, the Chair recognizes the gentleman from Kentucky (Mr. YARMUTH) for 30 minutes.

#### GENERAL LEAVE

Mr. YARMUTH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. YARMUTH. Madam Speaker, a week from today, we will hear about the state of our Union from an impeached President who has repeatedly shown a complete disregard for the principles on which that union was founded.

President Trump has brazenly trampled the constitutional boundaries of executive power, damaging the foundation of our democracy. He shamelessly betrayed his oath of office by putting his own corrupt agenda before our national security.

His withholding of aid to Ukraine has dominated the news, but the administration's willingness to pervert our laws for President Trump's ego, personal vendettas, and political gains goes much deeper.

Earlier this month, the nonpartisan U.S. Government Accountability Office, or GAO, issued a legal opinion stating that Trump's Office of Management and Budget, OMB, violated Federal law, specifically the Impoundment Control Act of 1974, by withholding foreign aid.

Madam Speaker, I will include that opinion in the RECORD.

□ 1845

As chairman of the Budget Committee, which has jurisdiction over this law, it is my responsibility to provide the full story to the American people and to Members of Congress so that we can all fully understand what is happening to our government.

To start with, this violation of Federal law was not an innocent mistake. Withholding Ukrainian aid was an intentional and brazen abuse of power. This quid pro quo is the most egregious example that we know of, but the Budget Committee has been concerned by OMB's questionable behavior and apparent violations of the Impoundment Control Act for some time.

A deeper look clearly reveals how methodically the President and his administration have been circumventing our laws to advance their authoritarian view of executive power. To understand their scheme, we must understand the law they tried to secretly dodge and ultimately broke, the Impoundment Control Act.

The U.S. Constitution grants Congress the power to appropriate our tax dollars, while the President's administration carries out these spending decisions. It is a simple but incredibly important check on executive power.

In 1974, Congress passed the Impoundment Control Act, the ICA, in response to another law-breaking President, President Nixon. By refusing to spend congressionally appropriated funds for programs he opposed, such as funding for clean drinking water, Nixon's administration was impounding funds.

An impoundment means any action or inaction that prevents Federal funds